GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Service - Agriculture Department – Establishment - Sri K. Krishna Rao, Ex. Agriculture Engineering Supervisor (AES) and Motor Vehicles Inspector(Retd.) - Condone the break in service as continuous from 18.01.1971 to 04.09.1979, for the purpose of notional pay fixation and revised pension arising on account of notional fixation – Orders – Issued.

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AGRICULTURE AND COOPERATION (AGRI.IV) DEPARTMENT

G.O.RT.No. 828 Dated: 21-12-2017.

Read the following:-

1. From Director of Agriculture, A.P., Guntur, Lr. No.Engg(2)65/2016, dated:16.11.2016.
2. Representation dt:17.12.2016 of Sri K.Krishna Rao, Ex. Agriculture Engineering Supervisor (AES) and Motor Vehicles Inspector(Retd.).

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In the letter 1st read above, the Director of Agriculture has reported that, Sri K. Krishna Rao was originally appointed as Agriculture Engineering Supervisor (Mechanical). The post is presently designated as Assistant Engineer (Agriculture), under Rule 10 (a) (i) of A.P. State & Subordinate Service Rules and posted in the office of the Agriculture Engineer (the post is presently designated as Deputy Executive Engineer) Rock Blasting, Kurnool, vide D.A.'s Memo. Rc.No.Estt.II(1)8562/65, dt.04.11.1965, during the year, 1967. The main grievance put-forth by the applicant is that he was thrown out of employment for want of vacancy contrary to court directions and Government orders w.e.f.08.01.1971.

2. The Director of Agriculture has further reported that, as a policy of the Government in the year 1968, the Government have set up the A.P.State Agro Industries Development Corporation and the transferred to the Corporation along with men and machinery with a view to extend efficient service to farmers through as single unit. Along with other employees the applicant was also transferred to A.P. Agros and he was repatriated to the Dept. in January 1971 and then ousted from service on the grounds of 'for want of vacancy' w.e.f 08.01.1971 vide DA's Memo No.Estt.VIII(2)/1593/70, dt:08.04.1971. At the time of ousting the applicant, two points appear to have been not taken into consideration.

3. The first one is, the interim orders of the Hon'ble High Court of A.P., dt.13.11.1970 in WPs 1109 of 1969 and 53, 13, 571 of 1970. The applicant is one of the petitioner and his name is at Sl.No.307 in W.P.No.53 of 1970. The High Court order read as follows:-

> It is not necessary to go into the merits of the case in as much as this writ petition was filed at a time when it was not clarified whether the petitioners who are asked to serve in A.P.State Agro Industries Corporation would be deemed to be in the service of the state Government or in the service of the corporation which is an independent corporate body. Now the Government has clarified in the counter affidavit that the petitioners are all on deputation to the corporation and are entitled to get their salaries on that basis. Some of the petitioners who are not wanted by the corporation have been

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reverted to the Agricultural Department in February, 1970. Therefore, they continue to be in the service of the Government. the learned Government Pleader, has filed Government Memo.No.39/FPIV/70, Food & Agril. Dept., dt.22.10.1970 which clarified this position. Having regard to the above, the WPs are disposed of accordingly and the petitioners would be entitled to all the benefits accruing to them as on deputation or as if they are in Government Service as the case may be. There will be no order as to costs.

4. The second one is the clarification given by the Government vide Memo.No.2430/Agri.V/70-1, Food & Agril. Dept., dt.09.07.1970 in respect of engineering personnel rejected by the A.P. Agros and reversion to the Agril. Dept. The contents of the memo are as follow:-

As orders of the Government, stand, the Agril. Engg. Personnel sent to the A.P. Agros are deemed to be on deputation to the Corporation, until they are finally absorbed in the Corporation in terms of G.O.Ms.No.2246, F&A,Dept., dt.15.12.1969.

5. The Director of Agriculture has also reported that, while issuing the orders in G.O.Ms.No.1032, Food & Agril. Department, dt.23.05.1969, as no orders were issued either retrenching (or) keeping in abeyance the permanent posts under the engineering branch consequent on the transfer of the personnel. The permanent posts mentioned in DA's Lr.No.Estt.V(1)/ 509/70, dt. 23.06.1970, should be available in the Dept., and the permanent incumbents sent to the Corporation will continue to have lien on these posts till they are absorbed in the corporation. The Director of Agriculture may therefore re-absorb by High Court stay orders without any specific sanction for revival of the posts, but making suitable budgetary provision.

6. The Dir. of Agri. has reported that, later the Hon'ble High Court of A.P. while disposing the WPs 1810,1862,1867,1975 and 2000 of 1973, issued orders dated 29.03.1974 as follows:-

"Before parting with the case I would like to make an observation. When Government undertakes an activity and employs people and later transfers the undertaking to a non- governmental organization, care must be taken to see that the employees are not left in the wilderness, without job security and at the mercy of the other organization. The Government as a model employer, owes that duty to its employees. The other petitioners were treated as on duty continuously and were paid salaries besides allowing them to continue in service till their superannuation. But in the case of the applicant the same was not extended."

7. The Director of Agriculture has reported that, as a result of repeated representations and appraising the grievances in person by the applicant, the Director of Agriculture took a sympathetic view and submitted proposals to Government vide his Lr.Roc.No.Estt.(VIII(2) 324/79, dt. .03.1979 after satisfying that injustice was done to the applicant some of the points discussed in the later in respect of the injustice caused are furnished.

" As a result of this injustice caused to him, he was deprived of the

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opportunity for being selected by the APPSC for a simple reason that he was over aged by one day (only one day) even though he was within the age limit as on the date of his first appointment. He is thrown out of employment after putting in a service of nearly six years."

8. The Director of Agriculture has reported that, based on the proposal of the Director of Agriculture, Government have issued orders for the reinstatement of the applicant as a fresh entrant vide G.O.Ms.No.489, F&A (Agril.V) Dept., dt.13.08.1979. In pursuance of the orders, the Director of Agriculture issued orders reinstating the applicant in the dept., as a fresh entrant and posted him in the existing vacancy of Agril. Engg. Supervisor (SC), Bhainsa, Adilabad Dist. vide Proc.No.Estt.VIII(2) /324/79, dt.23.08.1979. The applicant contended that in respect of Agril.Officers who were ousted for want of vacancy and later reappointed, the break in service was condoned for purpose of treating the service as continuous only vide G.O.Rt.No.2499, F&A (Agril.I) Dept., dt.04.12.1991.

9. The Director of Agriculture has reported that, generally the employees working on emergency provisions are ousted for want of vacancy to who posting to the candidate selected by APPSC. But from 1966, no selection was made by APPSC till to date. Had he not been ousted for want of vacancy on 08.01.1971, he would have continued in service till his superannuation. At least after reinstatement, his case would have been considered for condoning the break in service from the date of ousting till the date of reinstatement i.e., from 08.01.1971 to 04.09.1979 for the purpose of treating the service as continuous only. There is a precedent case in this regard. Sri S.Venkateswarlu, Agril. Officer, Kudair, Ananthpaur Dist. was first appointed on 27.09.1965, ousted on 09.02.1968 and was reinstated on 30.05.1974. that is he was ousted after putting in less than (3) years and was reinstated nearly after (6) years. Government have issued orders vide G.O.Rt.No.2499, dt.04.12.1991 condoning the break in service after (17) years."

10. The Director of Agriculture has requested the Government to consider the grievances of the applicant and issue orders sympathetically at least to the extent of condoning the break in service as continuous from 08.01.1971 to 04.09.1979 for the purpose of notional pay fixation and revised pension arising an account of notional fixation.

11. Government after careful examination of the proposal of Director of Agriculture, A.P., Guntur and hereby condone the break in service from 18.01.1971 to 04.09.1979 as continuous service in respect of Sri K.Krishna Rao, Ex. Agriculture Engineering Supervisor (AES) and Motor Vehicles Inspector(Retd.), while he was working as Agricultural Engineering Supervisor in Agriculture Department as per point (iii) of G.O.Ms.No.1002, G.A.D, dt. 29/11/1967.

12. The Special Commissioner of Agriculture, A.P., Guntur shall take further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B. RAJSEKHAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT (AGRI)(FAC)

To
The Special Commissioner of Agriculture, A.P., Guntur.

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The individual through the Dir. of Agril., A.P., Guntur.
The Accountant General, A.P., Hyderabad.
The Director of Treasuries and accounts, A.P., Ibrahimpatnam.
The Pay & Accounts officer, A.P., Ibrahimpatnam.
SF/SC.

// FORWARDED BY ORDER //

SECTION OFFICER.